

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5

In re Application of:
Aude Prieur-Blanc
Jean-Paul Cano

Serial No.: 10/068,232

Filed: February 6, 2002

For: METHOD FOR SURFACE POLISHING
OF AN OPTICAL ARTICLE USING A
SOLVENT OR A MIXTURE OF
SOLVENTS

Group Art Unit: 1732

Examiner: Unknown

Atty. Dkt. No.: ESSR:062US

RECEIVED

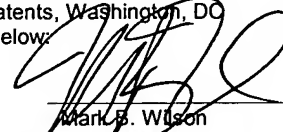
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OFFICE OF PETITIONS

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CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below:	
October 3, 2002	
Date	

PETITION PURSUANT TO 37 C.F.R. § 1.47

BOX MISSING PARTS

Commissioner for Patents
Washington, DC 20231

Sir:

Applicants submit this Petition, pursuant to 37 C.F.R. § 1.47(a), for acceptance of a 37 C.F.R. § 1.63 declaration for the above-referenced patent as executed by Jean-Paul Cano, a joint inventor, on behalf of himself and co-inventor Aude Prieur-Blanc (copy attached as Exhibit 1).

The facts of this situation are as follows:

The instant United States patent application is a continuing application of PCT/FR00/02224, filed August 2, 2000, which claims priority to French Application Number

99/10230, filed August 6, 1999. The application names Jean-Paul Cano and Aude Prieur-Blanc as inventors.

Jean-Paul Cano was at the time of the invention and is presently, a scientist at Essilor International Compagnie Generale d'Optique ("Essilor"), the assignee of this application. At the time of the invention, Aude Prier-Blanc was under a fixed-term employment contract with Essilor.

Mme. Prieur-Blanc has refused to sign an Inventors' Declaration.

Relevant facts relating to the forwarding and refusal to sign the Declaration by Mme. Prieur-Blanc are set forth in the attached Declaration of Mark B. Wilson (Exhibit 2). In that Declaration, Mark B. Wilson sets forth that he is a Partner at Fulbright & Jaworski and represents Essilor in patent matters, including the instant application.

In his Declaration, Mark B. Wilson sets forth the facts and exhibits evidencing that Mme. Prieur-Blanc has been forwarded an Inventors' Declaration and Assignment in regard to the present case. See Exhibit 2, ¶¶ 8-10. Specifically, the Declaration states that she received a copy of the Inventors' Declaration and Assignment on at least April 12, 2002, and has never returned the executed documents. Mme. Prieur-Blanc did forward a letter evidencing that she received the documents and stating that she believed she was due additional money from Essilor. However, she did not dispute that she was an inventor or that Essilor was properly the assignee of the invention.

The Declaration of Mark B. Wilson further sets forth specific facts, and exhibits evidencing those facts, to prove that Essilor has taken reasonable steps to address any concerns of Mme. Prieur-Blanc but that she has not been cooperative. See Exhibit 2, ¶¶ 11-15.

Additionally, Essilor has taken reasonable steps to attempt to address any concerns that Mme. Prieur-Blanc has concerning the Inventors' Declaration and/or additional compensation.

Despite the above, as of the date of this Petition, Essilor has not received a signed Inventors' Declaration from Mme. Prieur-Blanc.

The facts and exhibits to the Declaration of Mark B. Wilson prove that Essilor has presented Mme. Prieur-Blanc with an appropriate Inventors' Declaration and that she has refused to sign any oath or declaration in conjunction with the referenced application. Therefore, the requirement of 37 C.F.R. §1.47(a) is met.

The last known address of Aude Prieur-Blanc is:

Aude Prieur-Blanc
108 bis Avenue du Peuple Belge
Residence Le Square—B et A—Apt 30
59800 LILLE
France

Submitted herewith is an Inventors' Declaration, which further contains a Power of Attorney. Jean-Paul Cano has signed the Declaration on behalf of himself and Aude Prieur-Blanc.

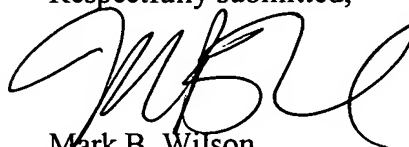
In view of the above facts, Applicants respectfully request that the attached Declaration pursuant to Rule 63, as signed by Jean-Paul Cano on behalf of himself and Aude Prieur-Blanc, be accepted and the application be completed. A Request for Extension of Time five (5) months up to and including October 5, 2002, is being filed concurrently with this petition.

Applicants include a check in the amount of \$2220.00, which includes the fee for this petition (\$130.00), the declaration surcharge as set forth in 37 C.F.R. § 1.16 (\$130.00), and the five-month extension of time (\$1,960.00). If the check is missing or deficient, or any other fees

are owed, please charge the necessary fee to Fulbright & Jaworski, Deposit Account No. 50-1212/ESSR:062US.

Please date and return the enclosed postcard evidencing receipt of this paper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MBL', written over the typed name.

Mark B. Wilson
Reg. No. 37,259
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: October 3, 2002